



**BOARD OF ADJUSTMENT  
March 12, 2018  
5:30PM  
CITY COUNCIL CHAMBERS  
301 WEST 2<sup>ND</sup> STREET  
AUSTIN, TEXAS**

___ Brooke Bailey	___ Rahm McDaniel
___ William Burkhardt (Chair)	___ Veronica Rivera
___ Christopher Covo	___ James Valadez
___ Eric Goff	___ Michael Von Ohlen
___ Melissa Hawthorne (Vice Chair)	___ Kelly Blume (Alternate)
___ Bryan King	___ Martha Gonzalez (Alternate)
___ Don Leighton-Burwell	___ Pim Mayo (Alternate)

## **AGENDA**

### **EXECUTIVE SESSION (No public discussion)**

**The Board of Adjustment will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Board of Adjustment may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.**

### **Private Consultation with Attorney – Section 551.071**

#### **A0. NEW BUSINESS**

- A0-1** Update and possible action for CodeNEXT working group
- A0-2** Discussion and possible recommendation relating to requirements for administrative appeals, including current procedures and revisions proposed for inclusion in CodeNEXT
- A0-3** Discussion and possible action in regards to the Zucker Report on BOA
- A0-4** Discussion of the law on conflicts of interest, as it relates to request for outside counsel.
- A0-5** Update and possible action to cancel previously approved meeting of November 12, 2018 meeting date (due to Veteran's Day City Holiday will require Holiday

Pay for ATXN, CTM staff) and approve change of meeting date and time to Monday, November 5, 2018 at 6:00 pm (not our regular 5:30 pm start time).

## A. APPROVAL OF MINUTES

A-1 February 12, 2018 Draft Minutes

## B. SIGNS NEW PUBLIC HEARINGS

B-1 C16-2018-0002 Edward Johnson  
507 West 23<sup>rd</sup> Street

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested a variance(s) to Section 25-10-133 (University Neighborhood Overlay Zoning) to:

1. (F) allow a sign to be placed above the second floor of a building that is electric and not engraved, cut into the building surface or otherwise inlaid to become part of the building in order to add 1) one 4th - 6th story electric projecting sign attached to the North side of the building and 2) one top floor electric building sign attached to the South side of the building and 3) one electric building sign attached to the West side of the building above the second floor; and to
2. (G) (2) to increase the sign area of a projecting sign from 35 square feet (required, permitted) to 100 square feet (requested)

within a "GO-CO-NP", General Office – Conditional Overlay – Neighborhood Plan and "GO-NP", General Office – Neighborhood Plan zoning district. (University Neighborhood Overlay, Inner)

Note: Section 25-10-133 (F) currently reads, "No sign may be placed above the second floor of a building, except for a non-electric sign that is engraved, cut into the building surface, or otherwise inlaid to become part of the building."

## C. SIGNS PREVIOUS POSTPONEMENTS

C-1 C16-2018-0001 Clive Hartsfield for Micah Dowdy  
12901 North IH 35 Bldg 14

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested a variance(s) to Section 25-10-123(B)(3)(Expressway Corridor Sign District Regulations) to increase the maximum allowable sign height from 35 feet (required/permitted) to 42 feet (requested) in order to replace an existing sign with a new, higher sign at this site in the Expressway Corridor Sign District within a “CS-CO”, General Commercial Services – Conditional Overlay zoning district.

**D. SIGNS RECONSIDERATIONS**

**NONE**

**E. SIGNS RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**F. INTERPRETATIONS NEW PUBLIC HEARINGS**

**NONE**

**G. SPECIAL EXCEPTIONS NEW PUBLIC HEARINGS**

**NONE**

**H. VARIANCES NEW PUBLIC HEARINGS**

**H-1 C15-2018-0006 Patrick Ousey for Murray Williams  
1710 Bouldin Avenue**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to:

A) decrease the minimum side setback from 5 feet (required) to 1 foot 10 inches (requested, existing on 1st floor); and to

B) decrease the minimum rear setback from 10 feet (required) to 2 feet (requested, existing on 1st floor)

in order to reconstruct an existing accessory 1940's era structure that is currently used as a pool house and add a 2nd floor of additional living space while keeping the original footprint in a SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Bouldin Creek)

**H-2 C15-2018-0008 Norma Yancy for Adam Walker  
1109 Travis Heights Boulevard**

**AUSTIN ENERGY DOES NOT OPPOSE YOUR APPLICATION FOR THE REQUESTED COMPATIBILITY VARIANCES, PROVIDED THAT ALL PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AUSTIN ENERGY CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA.**

**THE PROPOSED POOL SHOWN ON THE PLAN WILL REQUIRE AN ADDITIONAL REVIEW BY AE, TO ENSURE THAT IT MEETS AE CLEARANCE REQUIREMENTS WITH FROM ALL EXISTING AND NEW AE ELECTRIC FACILITIES. THE CURRENT ELECTRIC SERVICE WILL NEED TO BE RECONFIGURED TO MEET CLEARANCES AND UPGRADED FOR THE PROPOSED DEVELOPMENT ON THE SUBMITTED SITE PLAN. THE EXISTING ELECTRIC FACILITIES, WHICH ARE AFFECTED BY THE PROPOSED DEVELOPMENT, WILL NEED TO BE UPGRADED AND RELOCATED AS TO PROVIDE ADEQUATE POWER FOR OWNER TO ALL OF THOSE WHOM WHICH ARE AFFECTED BY THIS DEVELOPMENT. THE ELECTRIC EASEMENTS THAT ARE AFFECTED WILL NEED TO BE RELOCATED AND REPLACED AT THE EXPENSE OF THE OWNER/APPLICANT. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE**

**IT IS THE CUSTOMER'S RESPONSIBILITY TO CONTACT ONE CALL, (CALL BEFORE YOU DIG – 8-1-1) TO OBTAIN DEPTH AND LOCATION OF ALL EXISTING FACILITIES PRIOR TO CONSTRUCTION. PLEASE CONTACT DARREN VICKNAIR OF AUSTIN ENERGY SOUTH DESIGN, AT (512) 505-7636 TO OBTAIN ALL NECESSARY INFORMATION FOR THE ABOVE COMMENTS AND TO DETERMINE THE PERMANENT NESC AND AE CLEARANCE REQUIREMENTS AND THE DURING-CONSTRUCTION TEMPORARY CLEARANCE REQUIREMENTS (ESPECIALLY FOR ANY BUILDING THAT IS CLOSER THAN 10 FEET MEASURED HORIZONTALLY FROM THE OUTERMOST PART OF ANY EXISTING AE OVERHEAD FACILITIES.**

The applicant has requested a variance(s) from Section 25-2-1604 (C) for a parking structure with an entrance that faces the front yard abutting public right of way:

- 1) (1) to permit the parking structure to be closer to the front lot line than the building façade (required), in this case to instead be 12 feet 3 inches closer (requested); and to

2) (2) to permit a parking structure that is less than 20 feet behind the building façade to have a width that does not exceed 50% of the width of the building façade, or 16 feet two and a quarter inches, in this case (required, permitted) to 78.3%, or 25 feet 11 and three quarter inches (requested)

in order to construct a 2 story detached garage with 1st floor parking area built below grade with a smaller footprint (17 feet wide instead of 24 feet) 2nd floor living space above built at grade in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (South River City)

**H-3 C15-2018-0009 David Cancialosi for Phillip Cameron  
6705 Pixie Cove**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

**THE PROPOSED POOL SHOWN ON THE PLAN WILL REQUIRE AN ADDITIONAL REVIEW BY AE, TO ENSURE THAT IT MEETS AE CLEARANCE REQUIREMENTS WITH FROM ALL EXISTING AND NEW AE ELECTRIC FACILITIES.**

The applicant has requested variance(s) to Section 25-2-551 (Lake Austin District Regulations) (C) (3) (a) to increase the maximum impervious cover on a slope with a gradient of 15 percent or less from 35 percent or 3,814 square feet (required, permitted) to 50 percent or 5,450 square feet (requested, 53.1 percent or 5,792 square feet existing) in order to reconstruct a single family residence and covered patio area and add a swimming pool in a “LA”, Lake Austin zoning district.

Note: This section of the Land Development Code applies to lots that are included in a subdivision plat recorded before April 22, 1982 or on a tract that is not required to be platted.

**REQUESTING POSTPONEMENT TO APRIL 9, 2018**

**H-4 C15-2018-0010 Sean Little  
1500 Princeton Avenue**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF**

**EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 15 feet (requested) in order to construct a carport in a “SF-3-NP”, Family Residence - Neighborhood Plan zoning district. (Crestview)

**I. INTERPRETATIONS PREVIOUS POSTPONEMENTS**

**NONE**

**J. INTERPRETATIONS RECONSIDERATIONS**

**NONE**

**K. INTERPRETATIONS RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**L. SPECIAL EXCEPTIONS PREVIOUS POSTPONEMENTS**

**NONE**

**M. SPECIAL EXCEPTIONS RECONSIDERTIONS**

**NONE**

**N. SPECIAL EXCEPTIONS RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**O. VARIANCES PREVIOUS POSTPONEMENTS**

**O-1 C15-2017-0038 Aruna Chindalore  
9101 Sautelle Lane**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE. NOTE - THE PARTIAL RELEASE OF EASEMENT # 9897-1712 WAS APPROVED.**

The applicant has requested variance(s) to Section 25-2-492 (D) (Site Development Regulations) to:

- A. decrease the street side yard setback from 15 feet (required) to .5 feet (requested, existing/recently constructed); and to

- B. increase the impervious cover from 45% (required) to 46.9% (requested, existing/some recently constructed); and to
- C. Section 25-2-515 (Rear Yard of Through Lot) to decrease the through lot rear yard from 25 feet (required) to 10 feet (requested, existing/previously constructed)

in order to permit a recently constructed meditation studio and previously constructed/older gazebo to remain in a “SF-2”, Family Residence zoning district.

**O-2 C15-2017-0054 Rick Rasberry for Dustin Donnell  
1615 Westlake Drive**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

The applicant has requested variance(s) from Section 25-2-1176 (Site Development Regulations for Docks, Marinas, and Other Lakefront Uses) (A):

- A. (2) to increase the distance a dock may extend from no more than 20 percent of a channel width as measured by a line that is perpendicular to the centerline of the channel and that extends from the shoreline where the dock is located to the opposite shoreline, or in this case 21.7 feet (required, permitted) to 30 feet (requested); and
- B. (4) (a) to increase the width of a dock measured parallel to the shoreline of the lot or tract where the dock is proposed, and including all access and appurtenances, from 25.7 feet (required, permitted) to 30 feet (requested)

in order to construct a new boat dock within the “LA” Lake Austin Residence zoning district.

**O-3 C15-2018-0004 Nikelle Meade for Eveann Investment LP  
4303 Victory Drive, 2106, 2108 and 2110 W. Ben White Blvd., 2111 Fort View Drive**

**AUSTIN ENERGY DOES NOT OPPOSE REQUEST PROVIDED ANY PROPOSED AND EXISTING IMPROVEMENTS ARE IN COMPLIANCE WITH AE CLEARANCE CRITERIA REQUIREMENTS, THE NATIONAL ELECTRIC SAFETY CODE AND OSHA. ANY REMOVAL OR RELOCATION OF EXISTING ELECTRIC FACILITIES WILL BE AT OWNERS/APPLICANTS EXPENSE.**

**ALL EXISTING ELECTRIC FACILITIES AND EASEMENTS THAT ARE AFFECTED BY THE PROPOSED DEVELOPMENT WILL NEED TO BE RELOCATED, RELEASED OR REPLACED AT THE EXPENSE OF THE OWNER/APPLICANT.**

**THE OWNER/APPLICANT WILL NEED TO CONTACT DARREN VICKNAIR OF AUSTIN ENERGY SOUTH DESIGN, AT (512) 505-7636, TO DISCUSS RELOCATION OF EXISTING FACILITIES AND PERMANENT ELECTRIC SERVICE AND ELECTRIC SERVICE DESIGN, DURING THE ANTICIPATED SITE PLAN REVIEW PROCESS.**

The applicant has requested variance(s) from Article 10, Compatibility Standards:

A. Section 1063 (B) (Height Limitations and Setbacks for Large Sites) to decrease the required setback from a property in an urban family residence (SF-5) or more restrictive zoning district or on which a use permitted in SF-5 or more restrictive zoning district is located from 25 feet (required) to 0 feet (requested); and to

B. Section 1063 (C) (1) (Height Limitations and Setbacks for Large Sites) to increase the required height limitation for a structure that is 50 feet or less from property in a SF-5 or more restrictive zoning district or permitted use from two stories and 30 feet (required) to three stories and 40 feet (requested); and to

C. Section 25-2-1067 (G) (Design Regulations) to permit a parking area or driveway 25 feet or less from a lot that is in an SF-5 or more restrictive district or on which a use permitted in an SF-5 or more restrictive district is located

in order to erect a three-story office building, screening wall and detached three-story parking structure on five tracts in a “GR”, Community Commercial zoning district, a “LO-CO”, Limited Office - Conditional Overlay zoning district, and a “NO-MU-CO”, Neighborhood Office – Mixed Use – Conditional Overlay zoning district.

**O-4 C15-2018-0005 Kristina and Evan Baehr  
2605 West 8<sup>th</sup> Street**

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The applicant has requested a variance from Subchapter F: Residential Design and Compatibility Standards, Article 2: Development Standards, Subsection 2.1 (Maximum Development Permitted) to increase the maximum floor to area ratio from 0.4 to 1.0 (required, permitted) to 0.44 to 1.0 (requested) in order to add a 37 square foot elevated

hallway to connect the main portion of the home to an existing detached air conditioned living space previously built as an art studio located above the garage in a “SF-3-NP”, Family Residence – Neighborhood Plan zoning district. (West Austin Neighborhood Group)

**P. VARIANCES RECONSIDERATIONS**

**NONE**

**Q. VARIANCES RECONSIDERATION PREVIOUS POSTPONEMENTS**

**NONE**

**S. ADJOURNMENT**

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. Please call Leane Heldenfels at Planning & Development Review Department, at 512-974-2202 or Diana Ramirez at Planning & Development Review Department at 512-974-2241, for additional information; TTY users route through Relay Texas at 711.